

MINUTES, REGULAR MEETING
CITY COUNCIL, CITY OF LA CRESCENT, MINNESOTA
JULY 8, 2013

Pursuant to due call and notice thereof, the first meeting of the City Council of the City of La Crescent for the month of July was called to order by Mayor Mike Poellinger at 5:30 PM in the La Crescent City Hall, La Crescent, Minnesota, on Monday, July 8, 2013, followed by the Pledge of Allegiance. Upon a roll call taken and tallied by the City Administrator, the following members were present: Members Bernie Buehler, John Graf, Greg Husmann, Dale Williams, and Mayor Mike Poellinger. Members absent: None. Also present was City Administrator Bill Waller and City Attorney Skip Wieser.

Mayor Poellinger asked if anyone wished to take action to change the agenda as presented. It was requested that Item #3.5 Dumpsters in Residential Areas be deleted from the agenda. The following additions to the agenda were requested: Employee Resignation, Item #3.8, and Update on Raffles – Vets Park Shelter Use, Item #3.9. Member Buehler made a motion, seconded by Member Graf, as follows:

A MOTION TO APPROVE AFOREMENTIONED CHANGES TO THE PRINTED AGENDA

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
John Graf	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

ITEM 1 – CONSENT AGENDA

At this time, the Mayor read the following items to be considered as part of the Consent Agenda for this regular meeting:

- 1.1 MINUTES – JUNE 24, 2013
- 1.2 BILLS PAYABLE THROUGH JULY 5, 2013

At the conclusion of the reading of the Consent Agenda, Mayor Poellinger asked if the Council wished to have any of the items removed from the Consent Agenda for further discussion. Member Buehler made a motion, seconded by Member Husmann, as follows:

A MOTION TO APPROVE THE CONSENT AGENDA AS PRESENTED

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
John Graf	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

ITEM 3.1 – AGENDA REQUEST – WATER AND SEWER ACCESS

Kortney Kistler, requested an appeal to the decision of the Building Official to deny sewer and water connection to Parcel 25.0460.00 in the City of La Crescent. Paul Kenaga, Building and Zoning Official, denied request due to the parcel being only assessable from an alley, referencing Ordinance #58, 12.03, Subd. 4, and having no frontage from an improved public street. Mr. Kistler gave an overview to Council and City Administrator Waller and City Attorney Wieser also reviewed with Council. Following discussion, Member Buehler made a motion, seconded by Member Williams as follows:

MOTION TO DENY THE APPEAL FOR SEWER AND WATER CONNECTION TO PARCEL 25.0460.00 IN THE CITY OF LA CRESCENT.

Upon a roll call vote taken and tallied by the City Administrator, the following Members present voted in favor thereof, viz;

Bernie Buehler	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

with Member John Graf voting against the same. The motion was declared duly carried by a 4-1 vote.

ITEM 3.2 – AGENDA REQUEST – 402 BEACON VALLEY ROAD

Property owner, Doreen Gile, requested Council to review the drainage issues and property damage that has occurred at her home located at 402 Beacon Valley Road. Ms. Gile reviewed with Council items addressed in the letter that was sent on June 25, 2013. Patty Burg, Ms. Gile's neighbor, also addressed Council on the issues. An extended discussion ensued and it was the consensus of Council to proceed with the following:

1. Direct Building Official Kenaga to review for possible zoning violations;
2. Review catch basin and lower if necessary;
3. Place a notice in the newspaper and on the City website to remind residents about controlling runoff;
4. City Administrator and Building Official Kenaga and any available Council Members to review the site; and
5. Building Official Kenaga to send correspondence to neighbors regarding runoff control.

ITEM 3.3 – SOLID WASTE CONTRACT

Council reviewed a memo from City Attorney Wieser regarding additional information provided from Hilltopper Refuse regarding their insurance as to the solid waste services contract with them. Based on this information, it was recommended to Council to change the bond amount from \$300,000 to \$200,000. The bond would be provided annually. The reduction in the amount is a requirement of the bonding company so the bond amount more accurately reflects the value of the contract over a 12-month period. It was recommended that paragraph 6.2 of the Contract be amended as follows:

6.2 Performance Bond. The Contract shall specify requirements for a performance bond in the case of the Contractor's failure to perform contracted services. The performance bond shall be for a minimum of \$200,000. Said bond to be renewed annually and verification of said performance bond will be provided to the City no later than January 1st of each year of this contract.

Following discussion, Member Husmann made a motion, seconded by Member Buehler as follows:

MOTION TO AMEND PARAGRAPH 6.2 OF THE SOLID WASTE CONTRACT WITH HILLTOPPER REFUSE TO REDUCE THE BOND FROM \$300,000 TO \$200,000 AS STATED ABOVE.

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
John Graf	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

ITEM 3.4 – BUILDING ACTIVITIES/PERMITS

Council Member Buehler requested this item be placed on the agenda and addressed his concerns regarding building activities without a permit. No action taken.

ITEM 3.5 – DUMPSTERS IN RESIDENTIAL AREAS – DELETED FROM AGENDA

ITEM 3.6 – REQUEST FOR RECONSIDERATION – PAY EQUITY

The Office of Minnesota Management & Budget has informed the City that the pay equity report which the City submitted in January 2013 did not meet certain requirements that have resulted in a non-compliance ruling. It was recommended to Council that they authorize the Mayor to sign a request for reconsideration that will allow a longer grace period to submit a new report and before adjustments must be effective. It was also recommended to authorize Flaherty & Hood to assist the City with reviewing and preparing a report to come into compliance with pay equity requirements. This cost is not expected to exceed \$2000. The penalty for

failing to comply is a 5% reduction in local government aid or \$100 per day, whichever is greater. Following discussion, Member Husmann made a motion, seconded by Member Williams as follows:

MOTION TO AUTHORIZE THE MAYOR TO SIGN A REQUEST FOR RECONSIDERATION TO THE OFFICE OF MINNESOTA MANAGEMENT & BUDGET REGARDING THE NON-COMPLIANCE RULING IN THE PAY EQUITY REPORT AND TO AUTHORIZE FLAHERTY & HOOD TO ASSIST THE CITY WITH REVIEWING AND PREPARING A REPORT TO COME INTO COMPLIANCE WITH PAY EQUITY REQUIREMENTS.

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
John Graf	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

ITEM 3.7 – APPLEFEST LIQUOR LICENSE APPLICATION

Council reviewed an application for a liquor license from Applefest for September 19-22, 2013. City Administrator informed the Council that the application was in order and there being no discussion, Member Husmann made a motion, seconded by Member Buehler, as follows:

MOTION TO GRANT APPLEFEST A LIQUOR LICENSE FOR SEPTEMBER 19-22, 2013.

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
John Graf	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

ITEM 3.8 – EMPLOYEE RESIGNATION

Council reviewed a letter of resignation from Chris Oliver effective July 21, 2013. It was recommended to Council to accept the resignation and for the Personnel Committee to review hiring options. Following discussion, Member Buehler made a motion, seconded by Member Husmann as follows:

MOTION TO APPROVE THE RESIGNATION OF CHRIS OLIVER EFFECTIVE JULY 21, 2013 AND TO AUTHORIZE THE PERSONNEL COMMITTEE TO REVIEW HIRING OPTIONS.

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
John Graf	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

ITEM 3.9 – UPDATE ON RAFFLES AND VETS PARK SHELTER USE

Council reviewed memo from La Crescent Animal Rescue regarding raffle requirements and a request by First Lutheran Church to use Vets Park Shelter on August 4, 2013. Following discussion, Member Buehler made a motion, seconded by Member Graf as follows:

MOTION TO WAIVE SHELTER FEE FROM FIRST LUTHERAN CHURCH FOR THE USE OF THE VETS PARK SHELTER ON AUGUST 4, 2013 AND TO AUTHORIZE THE CITY ATTORNEY TO REVIEW NEW RULES REGARDING RAFFLES IN THE STATE OF MINNESOTA FOR NON-PROFIT ORGANIZATIONS WITH 501(3) STATUS.

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
John Graf	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

ITEM 8.1 – CHAMBER OF COMMERCE

The Chamber of Commerce gave an update on their golf outing and steak fry.

There being no further business to come before the Council at this time, Member Husmann made a motion, seconded by Member Williams, to adjourn the meeting. Upon a roll call vote taken and tallied by the City Administrator, all Members voted in favor thereof, viz;

Bernie Buehler	Yes
John Graf	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried and the meeting duly adjourned at 6:34 PM.

APPROVAL DATE: _____

SIGNED:

Mayor

ATTEST:

City Administrator